

## **REMARKS**

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Currently, claims 41-65, 68-108, and 110-120 are pending including independent claims 41, 70, 83 and 113. As shown above, claim 41 has been amended to state that the treated areas reduce ignition proclivity of a smoking article sufficient for the smoking article to pass the Cigarette Extinction Test. The Cigarette Extinction Test is described in the specification and is now referred to in the industry as ASTM Test Designation No. E 2187-04.

The claims are generally directed to a paper wrapper and to a smoking article incorporating the wrapper. In accordance with the present disclosure, the paper wrapper has a relatively high permeability that includes treated discrete areas which reduce the ignition proclivity characteristics of a smoking article made with the wrapper. For example, claim 1 is directed to a paper wrapper for a smoking article that includes treated discrete areas formed on a paper web having a base permeability of greater than 60 Coresta. Claim 1 further requires that the treated discrete areas have a permeability of less than about 25 Coresta and have a BMI of less than about  $5 \text{ cm}^{-1}$ .

All of the independent claims also require that a smoking article incorporating the paper wrapper have treated areas that reduce the ignition proclivity characteristics of the smoking article sufficient for the smoking article to pass the Cigarette Extinction Test or sufficient for the smoking article to self-extinguish when placed on an adjacent surface.

As described in the specification, the present inventors discovered that smoking articles incorporating wrappers as described above provide various benefits and advantages. In addition to producing smoking articles having reduced ignition proclivity properties, the inventors realized that the combination of the paper wrapper having a relatively high permeability and treated discrete areas formed from a film-forming composition as defined in the claims can be used to produce a smoking article having a very desirable combination of properties. For instance, smoking articles made from wrappers as described above have desirable burn rate characteristics as the smoking article is smoked.

In the Office Action, all of the claims continued to stand rejected under 35 U.S.C. §103 over Peterson in view of Hampl '755 and Hampl '860. In the Office Action, it was admitted that Peterson does not disclose or teach a paper wrapper having a permeability of greater than about 60 Coresta. In stark contrast, Peterson specifically teaches using a wrapper having a permeability of 35 Coresta, which is significantly lower than a wrapper having a permeability of 60 Coresta.

In order to somehow cure the above deficiency, the Office Action states that the wrapper used in Peterson may include any manner of commercially available cigarette wrapper and then combines Peterson with Hampl '860, which discloses paper wrappers having a permeability of from about 5 Coresta units to about 80 Coresta units.

However, Peterson is directed to creating treated areas on a paper wrapper that have a gradually changing permeability profile. Peterson teaches creating treated areas having a gradually changing permeability profile so that **"the change in taste and smoke delivery to the smoker occurs over a gradual period and is less discernible to the smoker"** (see Column 10, lines 11-13). Thus, Peterson teaches **minimizing changes in permeability** over the length of the wrapper in order to "allow the advancing coal to gradually burn into untreated areas 28 without generating an abrupt change in smoke delivery or taste" (see Column 10, lines 62-64).

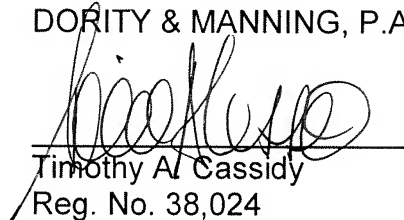
In view of the above teachings of Peterson, a person of ordinary skill in the art having common sense at the time of the invention would not have used a relatively high permeability base paper as being asserted by the Office Action. **Using a relatively high permeability paper, such as a paper having a permeability of greater than 60 Coresta units, would dramatically increase the change in permeability between the base paper and the treated areas (which have a permeability of from 2 to 6 Coresta units).** Using a relatively high permeability base paper would naturally create an "abrupt change" in the permeability between the treated areas and the wrapper, which is completely at odds with the teachings of Peterson. Thus, Peterson clearly and explicitly teaches away from using paper wrappers having a relatively high permeability as required in the presently pending claims.

As such, Applicants respectfully submit that all of the independent claims patentably define over Peterson in combination with Hampl '775 and/or Hampl '860.

In summary, Applicants submit that the present application is in complete condition for allowance and favorable action is therefore respectfully requested. Should any issues remain after consideration of this response, however, then Examiner Lazorcik is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read "Timothy A. Cassidy", is written over a horizontal line.

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